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Kramer & Amado, P.C. 1725 Duke Street Suite 240 Alexandria, VA 22314			HAMZA, FARUK	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/695,952
Filing Date: October 30, 2003
Appellant(s): BENHAMOU, LEON

Benjamin E. Urcia (Reg. No. 33,805)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 09, 2008 appealing from the Office action mailed December 02, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,697,845 B1 Andrews 2-2004

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(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 2, 4-10, and 12-18 are rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Patent No. 6,697,845 to Andrews (hereinafter Andrews).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Andrews teaches a method of providing secure network management communications within a communication network, the communication network including a plurality of network elements each adapted to generate and process legacy network management messages in conformance

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with a legacy management system, the method comprising the steps of: embedding a first legacy network management message within a first Simple Network Management Protocol (SNMP) message at a first network element (Col. 4, lines 36-43 – SNMP message “wrapper”); transmitting the first SNMP message over the network to a second network element (Col. 5, lines 42-50 – network manager generates SNMP request; col. 7, lines 17-20 – SNMP transmission to the managed node (second network element)); and extracting the first legacy network management message from the first SNMP message at the second network element (Col. 7, lines 20-23 – agent parses SNMP request, lines 25-29 – agent re-assembles the message).

Regarding claim 2, Andrews teaches the method of claim 1 wherein the step of transmitting the first SNMP message comprises transmitting the first SNMP message in conformance with a secure version of SNMP (Col. 4, lines 17-20).

Regarding claim 4, Andrews teaches the method of claim 1 wherein the legacy management system provides less security than SNMP (Col. 4, lines 10-20 – AgentX protocol runs under SNMP administrative framework that defines authentication, access control and privacy policies; col. 4, line 28 – UDP is less secure than SNMP).

Regarding claim 5, Andrews teaches the method of claim 1 comprising the further steps of: generating the first legacy network management message at the first network element(Col. 3, lines 5-8 – AgentX PDUs are generated by a

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master agent – first network element); and processing the first legacy network management message at the second network element (Col. 3, lines 8-9 – re-assembly by PSA (second network element) of received AgentX packets into SNMP PDU packets).

Regarding claim 6, Andrews teaches the method of claim 5 comprising the further steps of: generating a second legacy network management message at the second network element in response to the first legacy network management message; embedding the second legacy network management message within a second SNMP message at the second network element; transmitting the second SNMP message over the network to the first network element; and extracting the second legacy network management message from the second SNMP message at the first network element (Col. 3, lines 26-35 – conversion and re-assembly of AgentX protocol into SNMP and back into AgentX at the master agent (first network element) and at the PSA (second network element)).

Regarding claim 7, Andrews teaches the method of claim 1 wherein the first network element is a management station, and wherein the second network element is a node (Col. 2, lines 62-66 – management system includes a master agent – first network element, for managing a node – second network element).

Regarding claim 8, Andrews teaches the method of claim 1 wherein the first network element is a node, and wherein the second network element is a management station (Col. 5, lines 42-50 – SNMP entity can be both a manager and an agent).

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Regarding claims 9, 10 and 12, said claims encompass the same scope of the invention as that of the claims 1, 2 and 4-8, except that they set forth the invention as a system rather than a method, as do claims 1, 2 and 4-8.

Therefore, claims 9, 10 and 11 are rejected under the same rationale as the claims 1, 2 and 4-8. The instant application defines “an initiator” as an “ability implemented as software to generate network management messages, transmit the network management messages to nodes within the network, and process response messages received in response thereto” (See the first paragraph of the Background section) – the functionality fully covered by the limitations of claims 1, 2 and 4-8 and therefore does not introduce any additional limitation to those introduced by the above rejected claims 1, 2 and 4-8.

Regarding claim 13, Andrews teaches a Simple Network Management Protocol (SNMP) initiator at a management station within a communication network, comprising: instructions for receiving a legacy network management message which conforms to a legacy network management protocol (Col. 2, lines 48-51); instructions for embedding the legacy network management message within an SNMP message (Col. 2, lines 51-52); and instructions for transmitting the SNMP message to a node within the communication network (Col. 2, lines 53-54).

Regarding claim 14, Andrews teaches the SNMP initiator of claim 13 wherein the legacy network management protocol provides less security than SNMP (Col. 4, lines 17-20 – AgentX protocol runs under SNMP administrative

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framework that defines authentication, access control and privacy policies; col. 4, line 28 – UDP is less secure than SNMP).

Regarding claim 15, Andrews teaches a Simple Network Management Protocol (SNMP) agent at a node within a communication network, comprising: instructions for receiving a first SNMP message from a management station within a communication network (Col. 3, lines 26-31 – message processing structure on SNMP master agent); instructions for extracting a first legacy network management message from the first SNMP message, the first legacy network management message conforming to a legacy network management protocol (Col. 3, lines lines 26-30 – parsing SNMP into AgentX protocol request); and instructions for sending the first legacy network management message to a legacy agent at the node (Col. 3, lines 30-35 – forwarding the message to a peer agent at the node).

Regarding claim 16, Andrews teaches the SNMP agent of claim 15 wherein the legacy network management protocol provides less security than SNMP (Col. 4, lines 17-20 – AgentX protocol runs under SNMP administrative framework that defines authentication, access control and privacy policies; col. 4, line 28 – UDP is less secure than SNMP).

Regarding claim 17, Andrews teaches the SNMP agent of claim 15 further comprising: instructions for receiving a second legacy network management message from the legacy agent; instructions for embedding the second legacy network management message within a second SNMP message; and

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instructions for transmitting the second SNMP message to the management station.

Regarding claim 18, Andrews teaches the SNMP agent of claim 17 wherein the legacy network management protocol provides less security than SNMP (Col. 4, lines 17-20 – AgentX protocol runs under SNMP administrative framework that defines authentication, access control and privacy policies; col. 4, line 28 – UDP is less secure than SNMP).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6,697,845 to Andrews and further in view of “Official Notice”.

Regarding claim 3, Andrews teaches the method of claim 2 wherein the step of transmitting the first SNMP message comprises transmitting the first SNMP message in conformance with SNMP.

Andrews does not explicitly teach that the version of SNMP installed is specifically version 3 (SNMPv3).

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“Official Notice” is taken that the concept and the advantages of implementing a version 3 of the SNMP protocol over earlier versions 1.5 and 2 are well known in the art.

Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify Andrews by upgrading to a version 3 of SNMP protocol. One of ordinary skills in the art would be motivated to do so in order to realize additional features of version 3 over earlier versions 1.5 and 2.

Regarding claim 11, Andrews teaches the system of claim 10 wherein the SNMP initiator is adapted to transmit the first SNMP message in conformance with SNMP.

Andrews does not explicitly teach that the version of SNMP installed is specifically version 3 (SNMPv3).

“Official Notice” is taken that the concept and the advantages of implementing a version 3 of the SNMP protocol over earlier versions 1.5 and 2 are well known in the art.

Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify Andrews by upgrading to a version 3 of SNMP protocol. One of ordinary skills in the art would be motivated to do so in order to realize additional features of version 3 over earlier versions 1.5 and 2.

(10) Response to Argument

The examiner summarizes the various points raised by the appellant and addresses replies individually.

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As per appellants arguments filed on September 09, 2008, the appellant argues that Andrews does not teach *embedding a legacy network management message within an SNMP message* (see Brief page 11, argument A).

In response to A) Andrews teaches a node management method and system that supports multiple SNMP agents in a single platform (e.g. a network element or node) with capability to include the AgentX standard. A SNMP master agent and one or more subagents are provided for managing the node, and use the AgentX standard for communication there between (see abstract). Andrews teaches an SNMP manager (fig. 1, 102) communicates with managed entity (fig. 1, 101) via a request-response interaction path (fig. 1, 112) effectuated by means of SNMP. The SNMP manager 102 "first network element" and managed entity 101 "second network entity" are two separate network entities. The SNMP manager generates an SNMP message for managed entity. The message is a message "wrapper" which encapsulates Protocol Data Unit (column 4, lines 36-43, Col. 5, lines 42-50). The SNMP manager transmits the generated SNMP request to the managed entity (fig. 3, 302, Column 7, lines 15-20). The managed entity receives the request and agent of the managed entity parses "extracts" the SNMP request (fig. 3, 306, Column 7, lines 20-32) to send to the agent. Therefore, teaching of Andrews sending SNMP message to the managed entity from the SNMP manager and parsing the message by the managed entity meets the claim limitation.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Faruk Hamza/

Examiner, Art Unit 2455

November 17, 2008.

Conferees:

/saleh najjar/

Supervisory Patent Examiner, Art Unit 2455

/ARIO ETIENNE/

Supervisory Patent Examiner, Art Unit 2457